



## CITY OF HAYWARD AGENDA REPORT

Planning Commission  
Meeting Date 07/27/00  
Agenda Item 4

TO: PLANNING COMMISSION

FROM: James V. DeLuz, Assistant Planner

**SUBJECT:** Referral by the Planning Director of Extension of Time for Administrative Use Permit 98-150-26 and Variance 98-180-09 to construct a restaurant with a variance to eliminate tractor/trailer parking – Antonio Solorio/Tacos Uruapan (Applicant/Owner) to the Planning Commission for a decision. ***The Site is Located At 29950 Huntwood Avenue in an Industrial (I) Zoning District***

### RECOMMENDATION:

It is recommended that the Planning Commission approve the one-year time extension.

### DISCUSSION:

On June 21, 1999, the Planning Commission approved Administrative Use Permit No. 98-150-26 and Variance No. 98-180-09 to construct a 1,845 square-foot building for use as a 45-seat restaurant with associated parking and a variance to delete the 15 percent tractor/trailer parking requirement for restaurants in the Industrial District. A condition of the use permit states: ***"The application shall become null and void one year after the effective date of approval unless a building permit has been accepted for processing by the Building Official."*** Alternatively, the applicant may apply for a time extension at least 15 days prior to the anniversary date of approval, as is the case here.

Pursuant to the City's ***Zoning Ordinance***, a maximum of two one-year time extensions may be approved. The applicant applied for a one-year time extension on June 1, 2000. On June 16, 2000, a notice was sent to neighboring property owners and other interested parties informing them of the request for an extension and inviting comments. An objection to the time extension was received from a neighboring property owner who stated that due to recent and rapid neighborhood transformation, a restaurant would not serve the needs of the community. (See attached letter dated June 24, 2000.) The Planning Director's decision to refer the request for a one-year time extension to the Planning Commission for decision was based on the objection filed by a neighboring property owner.

In making a decision for approval of an extension, consideration must be given to

- The cause for delay in submitting a building permit application, and
- Whether the proposal is in conformance with existing development regulations.


In staff's opinion, the criteria by which an extension may be granted are met in that

- A. There was reasonable cause for delay. According to the applicant, he was unable to obtain financing to construct the restaurant within the last year and the project architect relocated his architectural firm to another state.
- B. The proposal is in conformance with existing development regulations. When the administrative use permit and variance were approved by the Planning Commission, the project was found to be consistent with the intent and policies of the City's Industrial District and the strategies and policies of the Tennyson-Alquire Neighborhood Plan. The goals, policies and development regulations of the Industrial District and Neighborhood Plan have not changed since approval of the project; therefore, the use permit and variance remain consistent.


#### Public Notice

On July 17, 2000, a notice was mailed to property owners and tenants within 300 feet of the project boundaries advising them of ~~the~~ request for the time extension to be heard before the Planning Commission July 27, 2000. As of the date this report was prepared no further comments were received from the appellant or others contacted through the noticing process.

Prepared by:

  
James V. De Luz  
Assistant Planner

Recommended by:

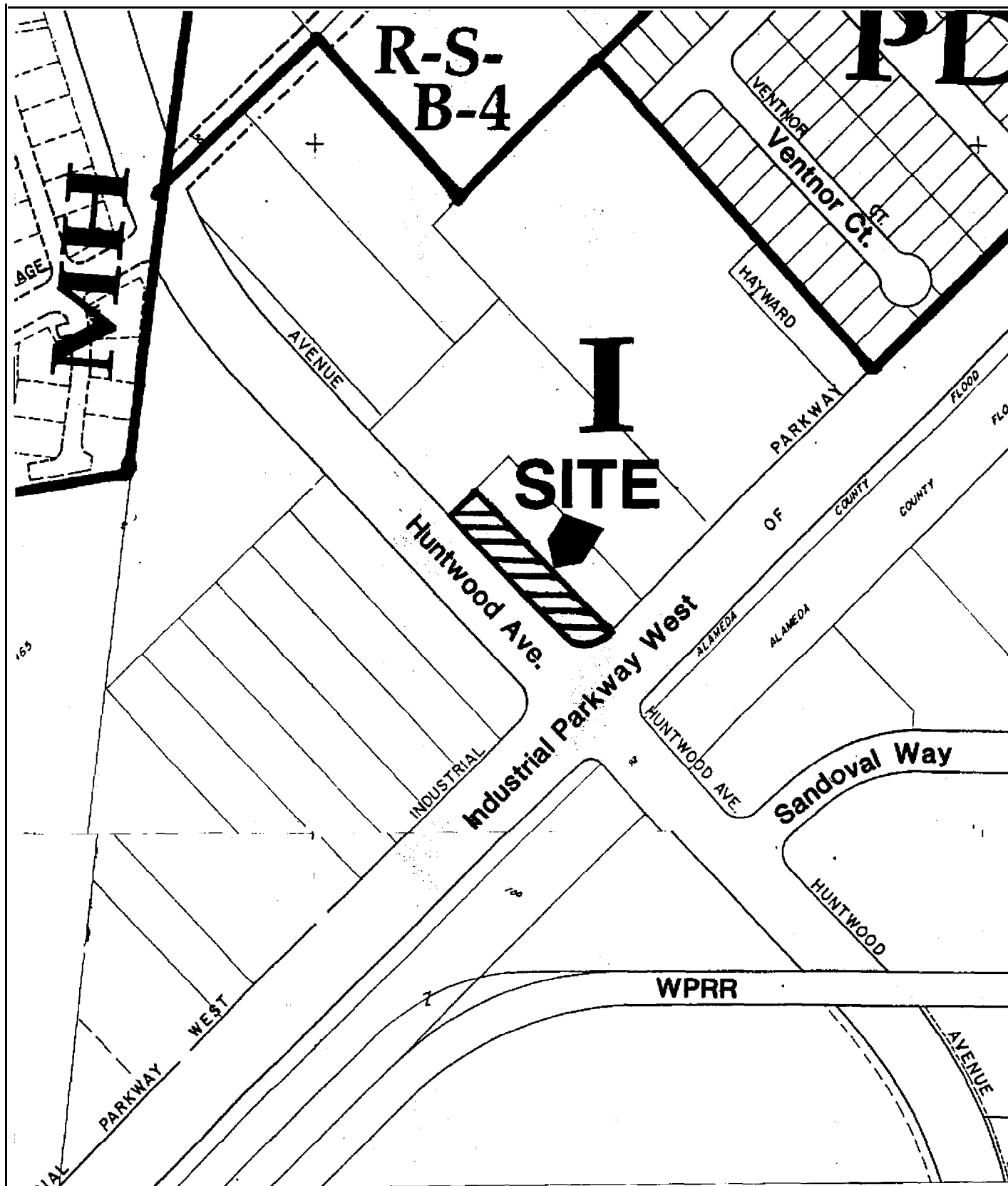
  
Dyana Anderly, AICP  
Planning Manager

Attachments:

- A - Findings for Approval of Extension
- B - Area Map
- C - Appeal (letter from Arnold Addison)

**FINDINGS FOR APPROVAL**  
**Extension of Time**  
**Administrative Use Permit 98-150-26**  
**Antonio Solorio/Tacos Uruapan (Applicant/Owner)**

- A. That the Planning Commission find that approval of the time extension to construct an 1,845 square foot building for use as a 45 seat restaurant with associated parking is in conformance with existing development regulations including the General Plan and Zoning Ordinance and there has been no change to the existing development regulations since the applicant's administrative use permit application was last approved;
- B. That the cause for the delay of the submittal of the building permit application were for reasons that were out of the applicant's control **in** that within the last year the owner was unable to obtain financing to construct the restaurant, that the project architect was no longer available to represent the applicant and that within the past year the architect relocated his architectural **firm** out of state;
- c . That the appeal of the Planning Director's decision to approve the restaurant time extension does not take into effect that there has been no change to the existing regulations that would potentially impact adjacent property owners or uses if the extension is approved.



**ZONING/AREA MAP ■ AUP 98-150-26/VAR 98-180-09**  
Antonio Solorio/Tacos Uruapan ■ 29950 Huntwood Ave.

ARNOLD A. ADDISON  
727 INDUSTRIAL PARKWAY  
HAYWARD, CALIFORNIA 94544

June 24, 2000

Jim Deluz  
Planning Dept.  
City of Hayward  
Hayward, California

Re: 29950 Huntwood Ave.  
Hayward, California

**RECEIVED**

JUN 28 2000

Dear Mr. De Luz:

PLANNING DIVISION

Please be advised that we are the owners of an adjacent property at 727 Industrial Parkway and we are opposed to any extension of a building permit for a restaurant at the above address. The neighborhood has undergone a rapid transformation recently and we feel this restaurant project does not serve the needs of the community. We have the same feelings about retail auto center at the 727 Industrial address. Hopefully the entire three acre corner parcel can be developed into a useful project to better serve the area

Yours truly

*Arnold Addison*  
ARNOLD ADDISON

**ATTACHMENT C**